

Silver Lake Boating Regulations

ORDINANCE NO. 99-1

AN ORDINANCE RELATING TO THE SILVER LAKE PROTECTION AND REHABILITATION DISTRICT AND BOATING REGULATIONS

THE SILVER LAKE PROTECTION AND REHABILITATION DISTRICT BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Chapter 1 and 2 of the Municipal Code are hereby repealed and Chapter 1 of the Municipal Code is hereby recreated as follows:

CHAPTER 1

SILVER LAKE PROTECTION & REHABILITATION DISTRICT

BOATING REGULATIONS

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1.01 GENERAL PROVISIONS

(1) APPLICABILITY: The provisions of this chapter shall apply to the waters of Silver Lake, located in the Town of West Bend, Washington County, Wisconsin.

(2) PURPOSE: The purpose of this chapter is to promote the public health, safety and general welfare of the Silver Lake Protection and Rehabilitation District ("SLPRD").

(3) DISTRICT NAME CHANGE: The name of the District known as the Silver Lake Inland Lake Protection and Rehabilitation District ("SLILPRD") is hereby changed to

Silver Lake Protection and Rehabilitation District ("SLPRD").

(4) AUTHORITY: This chapter is adopted by the Silver Lake Protection and Rehabilitation District, exercising the powers granted it by resolution of the Town Board of the Town of West Bend pursuant to §30.77(3)(am)1, of the Wisconsin Statutes.

1.02 INTERPRETATION

The section of this chapter pertaining to the use, operation or equipment of boats, and other vehicles as well as the activities which are regulated by §§30.50 through 30.71 and §30.80 Wis. Stats., and rules and regulations of the Department of Natural Resources established pursuant thereto are hereby adopted by reference and shall be construed and interpreted, if possible, to be consistent with and not contrary to said statute sections, rules and regulations nothing to the contrary herein notwithstanding.

1.03 ENFORCEMENT

The provisions of this chapter shall be enforced by the officers of the Silver Lake Water Safety Patrol ("SLWSP"). The Chief and other members of the SLWSP shall be hired or contracted for by the Board of Commissioners of the SLPRD.

1.04 DEFINITIONS

(1) BOAT OR VESSEL: Every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water or a fishing raft. A boat or vessel includes a personal watercraft.

(2) PERSON: Includes individual, firm, partnership, corporation or any other association of individuals organized together for any purpose whatsoever.

(3) PERSONAL WATERCRAFT: A motorboat that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designed to be operated by a person standing on, kneeling on or sitting astride the watercraft.

(4) SHOREZONE: The surface of the lake that is within 150 feet from and parallel to the shore. Provided, however, that on any part of said lake where the distance between the opposite shores is such that the foregoing formula is impossible or impracticable in application, then the shorezone shall be as indicated by buoys placed for that specific purpose. The northern portion of Silver Lake known as the kettle is designated as a shorezone for the purpose of this ordinance.

(5) SLOW-NO-WAKE SPEED: When used herein, slow-no-wake speed means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

(6) WATER SKIING AND WATER SKIER: A person being towed by a motor boat, on water skis, aquaplane, wake boards, tubing or similar device.

(7) WATER TRAFFIC: All moving objects controlled by a person or persons or agent of a person on the surface of the lake.

1.05 WATER TRAFFIC LANES

(1) DEFINED: The surface of the main lake basin that is beyond 150 feet distant from and parallel to the shore, or 100 feet distant from the projecting extremities of any pier, wharf, raft or other structure built in or over the water, or the greater thereof, provided however, that on any part of said lake where the distance between the opposite shores is such that the foregoing formula is impossible or impracticable in application, then the traffic lane shall be as indicated by buoys placed for that specific purpose.

(2) DIRECTION OF TRAVEL: All motor boats, as defined in §30.50(6), Wis. Stats., or personal watercraft as defined in §30.50(9d), Wis. Stats., traveling over a slow-no-wake speed in the traffic lane, including water skiing or similar activity must travel in a counterclockwise rotation.

1.06 SPEED RESTRICTIONS

(1) SPEED LIMITS IN TRAFFIC LANES:

(a) Monday through Friday:

10:00 a.m. to 7:00 p.m. -- 35 mph maximum

7:00 p.m. to 10:00 a.m. -- slow-no-wake

(b) Saturday, Sunday and Holidays:

10:00 a.m. to 6:00 p.m. -- 35 mph maximum

6:00 p.m. to 10:00 a.m. -- slow-no-wake

(2) SPEED IN SHOREZONE: When moving in waters that have been designated as the shorezone, the operating speed shall be slow-no-wake speed.

(3) PERSONAL WATERCRAFT: No person may operate a personal watercraft at a

speed in excess of slow-no-wake within 100 feet of any other boat or within 200 feet of shoreline of any lake.

1.07 PROHIBITED BOAT OPERATION

(1) DISTANCES: No person shall operate a motorboat at a speed that is greater than reasonable and prudent, when within 100 feet of a occupied, anchored boat, or a slow moving boat. Such speed shall not endanger the occupants of such boat.

(2) SAFE DISTANCE FROM SWIMMER: No person shall operate any boat within 100 feet of a swimmer, unless they are the accompanying boat, or unless physical conditions make compliance of the aforementioned impossible.

1.08 WATER-SKIING

(1) TOWING PERSON REGULATED: No person shall operate a boat for the purpose of towing a person on water skis, aquaplane, tubing or similar device unless there is in the boat a competent person, in addition to the operator, in a position to observe the person being towed.

(2) HOURS OF OPERATION: No person shall operate a boat for the purpose of towing a person, aquaplane or similar device or engage in water skiing, aquaplaning or tubing between the following hours on the following days:

(a) Monday through Friday: 7:00 p.m. to 10:00 a.m.

(b) Saturday, Sunday and Legal Holidays: 6:00 p.m. to 10:00 a.m.

(3) NUMBERS OF SKIERS TOWED: No motor boat operator shall tow more than one line or more than two persons, nor shall any person allow themselves to be towed by any motorboat already towing two persons.

(4) SKIER PICKUP OR DROP-OFF: No motor boat operator shall permit a water skier or aquaplaning device to operate from a dock, pier, raft or another boat, or within a designated swim area.

(5) KITES, SAILS: No motorboat operator shall allow a kite, sail or similar device to be pulled behind a boat for the purpose of flying above the water surface.

1.09 SWIMMING REGULATIONS

(1) TRAFFIC LANE: No person shall swim in the traffic lane unless accompanied by a manned boat with a U. S. Coast Guard approved flotation device for each swimmer.

(2) HOURS: No person shall swim in the traffic lane from sunset to sunrise unless the

accompanying manned boat mentioned in sub. (1), is properly lighted.

1.10 MARKERS AND NAVIGATION AIDS, POSTING ORDINANCE

(1) **DUTY OF SLPRD OR DESIGNEE:** The Chief of SLWSP is authorized and directed to supervise placement and maintain suitable markers, navigation aids and signs in such areas as shall be appropriate to advise the public of the provisions of this chapter at all public access points within the jurisdiction of the SLPRD.

(2) **STANDARD MARKERS:** All markers placed upon the water of the lake shall comply with the Department of Natural Resources rules and regulations.

(3) **INTERFERENCE WITH MARKERS PROHIBITED:** No person shall, without authority, move, remove, damage, destroy, moor or attach any water craft to any buoy, beacon or any marker that is lawfully placed in the waters of the lake.

1.11 STATE BOATING AND WATER SAFETY LAWS ADOPTED

The statutory provisions describing and defining regulation with respect to water traffic, boats, boating and related water activities in §§30.50 through 30.71, and §30.80, Wis. Stats., and in the rules and regulations of the Department of Natural Resources established subsequent to the enactment of this chapter, for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, that have not been specifically incorporated by reference in the foregoing sections hereof, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by the provisions of any said statute, rule or regulation incorporated by reference herein is required or prohibited by this chapter. For purposes of these regulation, such adjusted statute may be prefixed by "99-1".

1.12 SEVERABILITY

The provisions of these regulations shall be deemed severable and it is expressly declared that the SLPRD would have passed the other provisions of these regulations irrespective of whether or not one or more provisions may be declared invalid. If any provision of these regulations or the application to any person or circumstances is held invalid, the remainder of these regulations and the application of such provisions to other persons or circumstances shall not be affected.

1.13 UNIFORM CITATION METHOD ADOPTED

The SLPRD adopts and authorizes the use of a citation to be issued for violations of this ordinance, including ordinances for which a statutory counterpart exists. The form of a citation shall provide for those items listed in §66.1 19(1)(b), Wis. Stats..

1.14 PENALTIES AND DEPOSITS

(1) **STATE UNIFORM DEPOSIT AND BAIL SCHEDULE ADOPTED BY REFERENCE:** The schedule of cash deposit for violations of state boating and water safety regulations adopted pursuant to sec. 1 of this code shall be as provided by the State of Wisconsin Revised Uniform Deposit and Bail Schedule for Conservation, Environmental Protection, Boating and DNR Rules and Regulations that are adopted therein by reference.

(2) OTHER VIOLATIONS:

(a) The cash deposit for violations of local boating regulations in sec. 1.05 through 1.11 of this chapter and §30.77, Wis. Stats., not provided for in sub. (1) above shall be \$50.00.

(b) In addition to the deposit required in sub. (1) and (2) (a) above, the deposit shall include a penalty assessment if required by § 165.87, Wis. Stats., a jail assessment if required by §302.46, Wis. Stats., and any applicable fees and court costs prescribed in Chapter 814, of the Wis. Stats..

(c) Cash deposits are to be made with the Clerk of the Circuit Court for Washington County, Wisconsin and said clerk shall give a receipt for any cash deposits that are made in person, unless the deposit amount is mailed in and in that case, the canceled check will serve as the receipt.

(3) ISSUANCE OF CITATIONS: Citations issued under this chapter may be issued by State Certified Officers hired or contracted for by the SLPRD.